

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CIVIL ACTION NO.: 3:04CV514**

PATRICIA CALDWELL,)	
Plaintiff,)	
)	
v.)	ORDER
)	
FEDEX GROUND PACKAGES, INC.)	
and DOES 1-100,)	
Defendants.)	
)	

THIS MATTER IS BEFORE THE COURT on the “FedEx Ground Packages, Inc.’s Petition for Award of Attorneys’ Fees and Costs Associated with Motion to Compel” (the “Fee Petition”) (Document No. 33), filed November 23, 2005 by FedEx Ground Packages, Inc. (“FedEx”); the “Plaintiff Patricia Caldwell’s Response to Defendant’s Petition ...” (Document No. 34) (the “Response”), filed December 7, 2005 by Patricia Caldwell; and the “FedEx Ground Packages, Inc.’s Reply ...” (the “Reply”) (Document No. 35), filed December 8, 2005 by FedEx.

In the hearing held Thursday, November 10, 2005 and by Order (Document No. 32) filed the same day, the undersigned ordered that Michael S. Davis, attorney for Ms. Caldwell, personally pay the reasonable expenses, including attorney fees, incurred by FedEx in prosecuting the “Defendant’s Motion to Compel Plaintiff to Answer Deposition Questions” (“Motion to Compel”) (Document No. 26). The undersigned also asked FedEx to provide the Court with sufficient information upon which to enter such award. In the Fee Petition, Fred W. Suggs, Jr., counsel of record for FedEx, avers that the expenses incurred in bringing the Motion to Compel, including attorney fees, total \$15,494.84. The undersigned has carefully reviewed the Fee Petition, including attached exhibits and affidavits,

as well as the Response and the Reply. The undersigned has also taken into account the circumstances surrounding the Motion to Compel, the nature of the legal issues presented in the Motion to Compel, and the partial relief awarded by the Court. Accordingly, in an exercise of the discretion afforded to district courts in determining the amount of fees to be awarded, the undersigned finds that a reasonable fee award is \$3,000.00.

IT IS, THEREFORE, ORDERED that, on or before March 1, 2006, Mr. Davis shall pay directly to defense counsel three thousand dollars (\$3,000.00) as a portion of FedEx's expenses, including attorney fees, incurred in prosecuting its "Defendant's Motion to Compel Plaintiff to Answer Deposition Questions"(Document No. 26). Mr. Davis may not bill this amount to Ms. Caldwell or in any other fashion seek reimbursement of this payment.

Signed: December 28, 2005

David C. Keesler
David C. Keesler
United States Magistrate Judge

